

Message Text

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ORIGIN EUR-12

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E.O. 11652: N/A

TAGS: CASC, TU

SUBJECT: PRISONER TRANSFER TREATY

1. DEPT HAS DRAWN ON FOLLOWING GUIDANCE IN RESPONDING TO
PRESS INQUIRIES RE NEGOTIATIONS WITH TURKISH GOVERNMENT ON
PRISONER TRANSFER TREATY.

Q: WHEN WILL NEGOTIATIONS ON THE PRISONER TRANSFER TREATY
BEGIN?

A: WE HAVE GIVEN THE TURKISH GOVERNMENT A DRAFT TEXT OF
THE TREATY. ON THE BASIS OF THIS TEXT, THEY HAVE INVITED
US TO SEND A NEGOTIATING TEAM TO ANKARA TO BEGIN TALKS
ON AUGUST 21.

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Q: HOW LONG DO YOU EXPECT THESE NEGOTIATIONS TO LAST?

A: DUE TO THE LEGAL COMPLEXITIES OF THE MATTER THIS IS
DIFFICULT TO PREDICT, BUT OUR TEAM WILL BE INSTRUCTED TO
PROCEED WITH THE NEGOTIATIONS AS EXPEDITIOUSLY AS POSSIBLE.

Q: HOW MANY AMERICANS ARE IMPRISONED IN TURKEY?

A: THERE ARE PRESENTLY FIVE AMERICANS INCARCERATED IN TURKEY. FOUR WERE CONVICTED OF SMUGGLING NARCOTICS, SENTENCED TO 24 YEARS IMPRISONMENT, AND ARE ELIGIBLE FOR PAROLE AFTER SERVING 12 YEARS. ONE AMERICAN IS CURRENTLY BEING HELD IN PRE-TRIAL DETENTION ON BLACK MARKETEERING CHARGES.

Q: WILL THE TREATY WITH TURKEY BE SIMILAR TO ONES PREVIOUSLY NEGOTIATED WITH MEXICO, CANADA AND BOLIVIA?

A: THE EFFECT OF THE TREATY WITH TURKEY WOULD BE THE SAME AS ONES PREVIOUSLY NEGOTIATED, AS PROVIDED FOR IN IMPLEMENTING LEGISLATION PASSED BY THE CONGRESS. AMERICANS IMPRISONED IN TURKEY WOULD BE RETURNED TO THE U.S. TO SERVE OUT THE REMAINDER OF THEIR SENTENCES, SUBJECT TO ELIGIBILITY FOR PAROLE ACCORDING TO U.S. LAW. THE TEXT OF THE TREATY WILL BE BASED ON THE EUROPEAN CONVENTION, WITH NECESSARY MODIFICATIONS TO REFLECT U.S. CONSTITUTIONAL AND LEGAL REQUIREMENTS.

Q: WHAT IS THE EUROPEAN CONVENTION ON THE INTERNATIONAL VALIDITY OF CRIMINAL JUDGMENTS?

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A: THE EUROPEAN CONVENTION WAS NEGOTIATED IN THE COUNCIL OF EUROPE AND SIGNED AT THE HAGUE ON MAY 18, 1970. IT ENTERED INTO FORCE IN JULY 1974. IT WAS ORIGINALLY SIGNED BY SEVEN COUNTRIES. TO DATE ONLY CYPRUS, DENMARK, NORWAY AND SWEDEN HAVE RATIFIED. TURKEY SIGNED THE CONVENTION IN APRIL 1974. IT HAS BEEN APPROVED BY THE TURKISH PARLIAMENT, BUT THE TURKS HAVE NOT YET OFFICIALLY RATIFIED. IN ITS PRESENT FORM, THE CONVENTION WOULD NOT MEET US CONSTITUTIONAL AND LEGAL REQUIREMENTS, E.G. BY FAILING TO PROVIDE FOR CONSENT OF THE PRISONER PRIOR TO ANY TRANSFER. HOWEVER, WE BELIEVE THAT WE CAN DEVELOP A MUTUALLY ACCEPTABLE BILATERAL TREATY, BASED UPON THE CONVENTION, BUT SIMPLIFIED AND LESS SWEEPING IN SCOPE.

Q: WILL THIS TREATY HAVE ANY EFFECT ON CONGRESSIONAL CONSIDERATION OF THE TURKISH ARMS EMBARGO?

A: THE DEPARTMENT'S EFFORTS TO SECURE THE RETURN OF AMERICANS IMPRISONED ABROAD, INCLUDING THOSE IN TURKEY, COMMENCED LONG BEFORE THE ADMINISTRATION SUBMITTED ITS EASTERN MEDITERRANEAN PROGRAM TO THE CONGRESS. NEGOTIATION OF A PRISONER TRANSFER TREATY IS SIMPLY A CASE OF THE

TWO GOVERNMENTS RESOLVING ONE ITEM OF BUSINESS BETWEEN THEM.

2. FOR INFORMATION OF CONSTITUENT POSTS, FOLLOWING IS TEXT OF DEPT'S JULY 10 PRESS RELEASE:

BEGIN TEXT:

THE UNITED STATES AND TURKEY HAVE AGREED TO COMMENCE NEGOTIATIONS AT AN EARLY DATE ON A PRISONER TRANSFER TREATY, PROVIDING FOR THE RETURN OF CITIZENS IMPRISONED IN ONE STATE TO THEIR OWN COUNTRY TO SERVE OUT THE REMAINDER OF THE SENTENCES IMPOSED. THE TREATY WILL BE BASED UPON THE EUROPEAN CONVENTION ON THE INTERNATIONAL VALIDITY OF LIMITED OFFICIAL USE

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CRIMINAL JUDGMENTS, WITH NECESSARY MODIFICATIONS TO REFLECT THE SITUATIONS OF THE PARTIES AND THEIR CONSTITUTIONAL AND LEGAL REQUIREMENTS. END TEXT. VANCE

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